REMARKS

Claims 1-9 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Svacek (U.S. Pub. No. 2002/0163937 A1). This rejection is respectfully traversed.

Applicant has amended claim 9 to more clearly point out the claimed subject matter.

In the "Response to Arguments" section of the Office action, the Examiner asserts that the 34 along with 42 and 44 performs the dynamic allocation are also hardware devices. Applicant respectfully traverses the Examiner's assertion. Applicant respectfully submits that any software has to be implemented in hardware. The hardware devices cited by the Examiner are devices used for implementing the software.

Specifically, Paragraph [0013] of Svacek discloses that "the controller 42 obtains information about the personality modules, such as the type and required bandwidth; this information is passed to the microprocessor 44 which programs the allocation module; the allocation module then allocates bandwidth to the personality modules placed in the slots". Therefore, Svacek implements the dynamic allocation by software.

The Examiner maintains the assertion that the B/ΔB pieces of N-selected-one devices are anticipated by the modules of Svacek. Applicant respectfully traverses the Examiner's assertion.

Applicant respectfully submits that the N-selected-one device of the claimed invention is not an equivalent of the module of Svacek. Further, the N-selected-one device of claim 6 has N inputs and an output and each of the N inputs can be selected to be in communication with the output. In contrast, the module of Svacek at best appears to be merely a module inserted in the slot without any information concerning its input or output being disclosed.

The N-selected-one devices of claim 6 perform dynamic allocation of the bandwidth to the N slots. In contrast, the modules of Svacek are placed in the slots (28,30) and receive allocated bandwidth(Svacek, paragraph [0025]), rather than allocate bandwidth for other modules.

The Examiner also asserts that ΔB is equivalent to the "number of parallel bits to each slot" of Svacek based on paragraphs [0012] and [0032] of Svacek. Applicant respectfully traverses with the Examiner's assertion. As presented in the response to the second Office action filed on November 29, 2007, "ΔB" denotes a minimum allocated bandwidth unit as recited in claim 6. The bandwidth allocated to one of the N slots of claim 6 may be a multiple of the minimum allocated bandwidth unit ΔB. In other words, the bandwidth finally allocated to a slot may range from ΔB to $N*\Delta B$ with an increase of ΔB, e.g. ΔB, $2\Delta B$, $3\Delta B$, etc; the bandwidth allocated to the slot may not equal to the minimum allocated bandwidth unit ΔB in all circumstances. In Svacek, the parallel bits to each slot denote the bandwidth allocated to the slot (Svacek, Paragraphs [0012] and [0032]).

Applicant further submits that the bandwidth of Svacek is merely a general concept. Claim 6 defines that the input bandwidth of the N-selected-one device is $N*\Delta B$. Svacek

fails to disclose the N-selected-one device of claim 6. Applicant submits that the N*ΔB of claim 6 and the bandwidth of Svacek differ.

The Examiner considers the X-connect (34), the controller (42), and the microprocessor (44) of Svacek as equivalents of the main switch module of claim 6. Fig.3 of Svacek at best appears to disclose that the the X-connect (34), the controller (42) and microprocessor (44) are directly connected to the slots 28, 30…32. In claim 6, the main control module communicates with the outputs of the N-selected-one devices, and the slots are connected to the inputs of the N-selected-one devices, rather than directly to the main switch module. In other words, the main control module in claim 6 allocates the bandwidth to the slots indirectly through controlling the N-selected-one devices which are connected between the main control module and the slots. However, there is no equivalent of the N-selected-one devices disclosed in Svacek. The bandwidth of Svacek is directly allocated to the slots by running the program (Svacek, Paragraph [0013]).

In view of above arguments, Applicant respectfully submits that claim 6 and its dependent claims 7-8 define over the art cited by the Examiner. Claim 1 and its dependent claims 2-5, and claim 9 define over the art cited by the Examiner for one or more of the reasons set forth regarding claim 6. Therefore, withdrawal of the rejection under 35 USC 102(e) is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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